IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 1940 of 2000

Between:

1. Gulam Abbas Gulabi S/o.Gulam Hussain Gulabi
   Gulam Abbas Gulabi R/o.Road No.13
   Banjara Hills Hyderabad
2. M/s.G.R.Enterprises S/o.Gulam Hussain Gulabi
   M/s. G.R.Enterprises rep. by its Partner Gulam Abbas
Gulabi, R/o.Road No.13, BAnjara Hills Hyderabad

..... PETITIONERS

AND

1. The Special Court under A.P Land Grabbing
(Prohibition)Act, rep. by its Registrar, B.R.K.R Government
Offices Complex II Floor, Tank Bund Hyderabad

2. V.Venkataramaiah (died) per L.Rs.
3. V.Lakshmikanthamma W/o.V.Venkatramaiah
   r/o.Plot No.86 Srinagar Colony, Hyderabad
4. S.Kamala d/o.V.Venkataramaiah
   r/o.Plot No.86 Srinagar Colony, Hyderabad
5. Lt.Col.Virender Khanna (Retd)
   r/o.6-3-680 Pasha Court, Somajiguda Hydrerabad
6. State of Andhra Pradesh
   rep. by District Collector Hyderabad

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari calling for the records from the 1st respondent in L.G.C. No.150/96 and quash the order dated 19-11-1999 and consequently set aside the judgment passed by the 1st respondent.

Counsel for the Petitioners: MR.H.VENUGOPAL

Counsel for the Respondent Nos.3 and 4: MR.V.SUDHAKAR REDDY

The Court made the following:

ORDER (Per BRSR,J)

This writ petition under Article 226 of the Constitution of India is directed against the decision of the first respondent in L.G.C.No.150 of 1996, dated 19.11.1999. The petitioners accordingly prayed for issuance of Writ of *Certiorari* and to quash the impugned order.

The petitioners herein are the respondents 1 and 2 in L.G.C.No.150 of 1996. In view of the consensus that the subject matter that arises for consideration in this writ petition is squarely covered by the judgment rendered by a Larger Bench of this Court in ***HAE CO-OP. HOUSING CORPORATION LTD.,***

HYDERABAD v. ***SPECIAL COURT Etc***., the impugned order is to be quashed.

That with a view to satisfy ourselves that the subject matter that arises for consideration in this writ petition is covered by the above judgment, we have seen the findings recorded by the Special Court, in which it is *inter alia,* found that the petitioners herein have committed an act of land grabbing by creating an illegal development agreement "with a design to grab at the application schedule property". Thus, it is a clear case of an allegation of attempt to grab the land and not a case of grabbing of the land.

Following the said judgment of the Larger Bench of this Court, referred to hereinabove, the impugned order is quashed. The writ petition is accordingly allowed.

However, this order shall not preclude the respondents herein to avail such remedies as may be available to them in law, in which event, the matter shall have to be decided on its own merits uninfluenced by this order.

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B. SUDERSHAN REDDY, J.

Date:07-02-2005.

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C.V. RAMULU, J.

GS/GJ

To

1. The Registrar, the Special Court under A.P Land Grabbing (Prohibition) Act, B.R.K.R Government

Offices Complex, II Floor, Tank Bund Hyderabad

2. The District Collector,
   Hyderabad

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